IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 26750 of 2003

Between:

Solman Raju Educational Society, Suryapet, Nalgonda District, Rep. by its Secretary-cum-Correspondent, Are Linga Reddy.

..... PETITIONER

AND

1 The Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.
2 The District Educational Officer, Nalgonda.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of a Writ of Certiorari, calling for the records relating to the issuance of the impugned proceedings bearing No. 1784/N2-2/2002, dt: 27-10-2003 of the first respondent rejecting the application of the petitioner for establishment of private College of Education in Suryapet Revenue Division, Nalgonda District and quash the same as arbitrary and illegal and consequently direct the respondent to consider the representation dt: 30.10.2003 for issuance of No Objection Certificate for starting the private College of Education in Suryapet Revenue Division, Nalgonda District

Counsel for the Petitioner :MR.A.RAVINDER REDDY

Counsel for the Respondents : ADDL. ADVOCATE GENERAL

The Court made the following :

ORDER:

1. This writ petition has been filed by the Solman Raju Educational Society, Suryapet, Nalgonda District with a prayer to issue writ, order or direction more particularly one in the nature of writ of ceritorari calling for the records relating to the issuance of the impugned proceedings bearing No. 1784/N2-2/2002, dated 27-10-2003 of the first respondent rejecting the application of the petitioner for establishment of private college of Education in Suryapet Revenue Division, Nalgonda District and quash the same as arbitrary and illegal.

2. The petitioner is an Educational Society registered under the Societies Registration Act. An application has been submitted by the petitioner's society for grant of "No objection certificate" to establish a private College of Education in Suryapet Revenue division in Nalgonda District. The Commissioner and Director of School Education rejected the application of the petitioner. Aggrieved by the same, petitioner's society filed W.P.No. 26169 of 2001. The said writ petition came to be disposed of with certain directions. The 1st respondent rejected the request of the petitioner on the ground that the petitioner's society has not filed the application within the period prescribed as per the orders passed in W.P.No.26169 of 2001.

3. Heard the learned counsel for the petitioner and learned Government Pleader for School Education appearing for the respondents No.1 and 2.

4. It is no more in dispute that the petitioner's society filed W.P.No.26169 of 2001. The said writ petition came to be disposed of at the admission stage giving liberty to the petitioner to resubmit his application along with ThE registered document. The relevant portion of the order passed in the said writ petition reads as follows:

> "*In the circumstances, the writ petition is disposed of at the admission stage giving liberty to the petitioner to resubmit his application along with the registered document in connection with the two hectares of land, as required under the Governmental order dt. 4-12-1997, along with the term deposit certificate for Rs. 5.00 lakhs in the joint name of the society and the D.E.O. As and when such an application is made, the*

respondents are directed to consider and dispose of the same within a period of eight weeks from the date of receipt of a copy of this order".

5. It appears the petitioner has submitted application after lapse of one year eight months from the date of the order in the said writ petition. The 1st respondent rejected application on the ground that the application has not been submitted by the petitioner's society within time stipulated in the order passed in the writ petition. It is explicit from the order passed in the above writ petition, there is no period stipulated for the petitioner's society for making an application. However, there is a period for disposal of the application of the petitioner by the respondent and the said period is within eight weeks from the date of receipt of the copy of the writ order.

6. Without proceeding further in this matter, I deem it appropriate to direct the petitioner to submit fresh application within two weeks from the date of this order and thereafter the respondents have to consider the application within eight weeks, in accordance with G.O.398,Education, dated 4-12-1997.

7. Accordingly, the writ petition is disposed of. No order as to costs.

_____

B.Seshasayana Reddy, J.

13th July, 2005.

KM

....ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.
2 The District Educational Officer, Nalgonda.

3. 2 CCs to G.P. for School Education, High Court Buildings, Hyderabad

(OUT)

4 2 CD copies

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

-

-

-

-

-

-

-

-

-

-

-

WRIT PETITION NO : 26750 of 2003

-

-

-

-

-

-

13th July, 2005.